

**IN THE CIRCUIT COURT OF
BARBOUR COUNTY, ALABAMA**

T. RAWDON BEATY,

Plaintiff,

v.

**MERCK & CO., INC., a foreign
Corporation, et al.,**

Defendants.

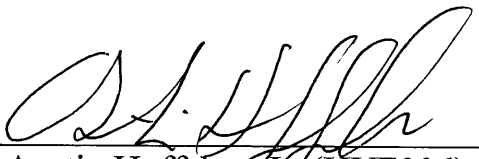
Case No.: CV-05-57

NOTICE OF FILING NOTICE OF REMOVAL

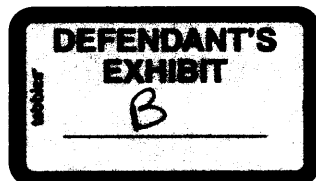
TO: Hon. David S. Nix
Circuit Clerk of Barbour County
Post Office Box 219
Clayton, Alabama 36016

PLEASE TAKE NOTICE that Merck & Co., Inc. has this date filed its Notice of Removal in the Office of the Clerk of the United States District Court for the Middle District of Alabama, Northern Division, a copy of which is attached hereto as Exhibit A.

Respectfully submitted this the 14th day of September, 2005.



R. Austin Huffaker, Jr. (HUF006)
One of the Attorneys for Defendant,
Merck & Co., Inc.



OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on September 14th, 2005, I served the following counsel of record with a copy of the foregoing via United States Mail, postage prepaid and properly addressed:

Andy D. Birchfield, Jr.

J. Paul Sizemore

BEASLEY, ALLEN, CROW,

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